## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA BIG STONE GAP DIVISION

UNITED STATES OF AMERICA	)
	)
	) Case No. 2:06CR00010
	) Case No. 2:07CR00008
V.	)
	) FINAL ORDER
	)
THOMAS W. HAYES,	) By: James P. Jones
	) United States District Judge
Defendant.	)

For the reasons set forth in the Opinion accompanying this Final Order, it is **ORDERED** as follows:

- 1. The clerk shall docket the defendant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 in Case No. 2:07CR00008 and shall open a § 2255 action in that case;
- 2. The two above-referenced § 2255 motions are hereby CONSOLIDATED for disposition;
- 3. The government's Motion to Dismiss is GRANTED, and the defendant's § 2255 motions are DENIED; and
- 4. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, certificates

## of appealability are DENIED.

ENTER: December 13, 2010

/s/ JAMES P. JONES
United States District Judge